S.B. Cr. Bail Application No. 5420/2007
(Moti and Ors. Vs. State of Rajasthan)

Date of order : 22.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Suresh Kumbhat for the petitioners.
Mr. Ashok Upadhyay, P.P.
Mr. A.K.Jain for the complainant.

Heard learned counsel for the parties. Perused the order impugned and police investigation diary.

The petitioners seek bail under Section 438 Cr.P.C. for the offences punishable under the IPC as well as Section 3 (1) (iv) & (x) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter). Most of the offences are bailable, but since for the offences punishable under Act, Section 18 of the Act takes away the power of this Court to grant bail under Section 438 Cr.P.C. and therefore, the bail application filed by the petitioners under Section 438 Cr.P.C. is dismissed. However, the first informant appeared before this Court and filed an application being Cr. Misc. Application No. 1470/07 stating therein that she has compromised the matter with the petitioners and does not wish to pursue the matter any further. Keeping in view, the compromise filed by the first informant and the fact that no evidence is likely to come against the petitioners, it would be proper to direct the petitioners to surrender before the trial court and move a regular bail and if the petitioners surrender and move a regular bail on or before 28.11.2007, the trial court shall release them on bail on the terms and conditions which the trial court thinks fit.

Till 27.11.2007, the petitioners Moti S/o Hinduji Rebari, Sava S/o Samratha Rebari, Sadla S/o Samti Rebari, Natha S/o Samti Rebari, Chela S/o Kana Rebari, Sita D/o Motiram Rebari, Sita D/o Chelaram Rebari, Dargi W/o Motiram Rebari and Teeja W/o Sawaram Rebari in FIR No. 127/07 P.S. Bali, district Pali, shall not be arrested.

The Cr. Misc. Application No.1470/07 also stands disposed of.

(H.R.PANWAR), J.

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